



## NEBRASKA STATE RECORDS BOARD

### MINUTES

#### Meeting of December 2, 2009

##### **Agenda Item 1. CALL TO ORDER, ROLL CALL**

The meeting of the Nebraska State Records Board was called to order by Chairman John A. Gale at 9:00 A.M. on December 2, 2009, in Room 1507 of the State Capitol, Lincoln, Nebraska.

A Roll Call was taken. The following Board members were present:

John A. Gale, Secretary of State, State Records Administrator and Chairman;  
Brenda L. Decker, representing the Governor;  
Michael D. Foley, Auditor of Public Accounts  
Alex Kauffman, representing the State Treasurer;  
Carlos Castillo, Jr., Director of Administrative Services;  
Ryne D. Seaman, representing the Banking Industry;  
John P. Curry, representing the Insurance Industry;  
Thomas D. Freimuth, representing the Legal Profession;  
Julie A. Beno, appearing later, representing Libraries;  
Timothy L. Loewenstein, Representing the General Public  
Michael P. Edgcombe, representing the Media

Absent:

Leslie S. Donley, representing the Attorney General

Staff in attendance:

Cathy Danahy, Executive Director;  
Kacey Nelkin-Pedersen, Recording Clerk;  
Ron Moravec, Legal Counsel

Ms. Donley arrived at the meeting at 9:05 A.M.

##### **Agenda Item 2. ANNOUNCEMENT OF NEBRASKA OPEN MEETINGS ACT**

Chairman Gale announced that in accordance with the Nebraska Open Meetings Act, reproducible written materials to be discussed at the open meeting are located in the back of the meeting room. Also, a copy of the Nebraska Open Meetings Act is posted in the back of the meeting room.

##### **Agenda Item 3. NOTICE OF HEARING**

Chairman Gale announced public notice of the meeting was given by posting notice in the Lincoln Journal Star newspaper on November 2, 2009 and on the state's website public meeting calendar. A copy of the Notice and Affidavit of Publication by the printer is included in the Board records.

**Agenda Item 4. ADOPTION OF AGENDA**

A current copy of the agenda has been kept in the Secretary of State's office, located in the State Capitol Building. Ms. Beno moved to adopt the agenda as presented; motion seconded by Mr. Edgecombe. Mr. Foley requested moving agenda item 8. a. NI PricewaterhouseCoopers Annual Audit Report ahead of item 7. a. 2. Network Manager Operations Review Subcommittee. Hearing no objections, a vote was taken.

Voting For:	Beno	Castillo	Curry	Decker	Donley
	Edgecombe	Foley	Freimuth	Gale	Kauffman
	Loewenstein	Seaman			

Voting Against: None

Absent: None

The motion carried.

**Agenda Item 5. APPROVAL OF MINUTES**

Mr. Seaman moved to approve the September 15, 2009 meeting minutes as presented; motion seconded by Ms. Decker.

Voting For:	Castillo	Decker	Donley	Foley	Freimuth
	Gale	Kauffman	Loewenstein	Seaman	

Voting Against: None

Not Voting: Beno Curry Edgecombe

Absent: None

The motion carried.

**Agenda Item 6. PUBLIC COMMENT**

Chairman Gale asked the members of the audience if anyone wished to come forward to provide public comment on any of the agenda items. No audience member indicated a desire to provide public comment.

**Agenda Item 8. FINANCES REVIEW SUBCOMMITTEE****Agenda Item 8. a. NI PricewaterhouseCoopers Annual Audit Report**

Mr. Foley stated the Finances Review Subcommittee met last week. The Subcommittee consisted of Mr. Foley, Mr. Seaman and Mr. Curry. They reviewed the 2008 audited financial statements of Nebraska Interactive. Mr. Foley handed out two charts prepared by his office summarizing some of the highlights of the audit report and indicated some questions were raised by the Subcommittee about the level of administrative expenses in particular. As a result of the Subcommittee discussions, Mr. Foley sent an email to Mr. Brent Hoffman, President, Nebraska Interactive, regarding the administrative fee increase, allocations and the Nebraska State Records Board share. Those questions are currently pending. The Finances Review Subcommittee will review the responses from Mr. Hoffman when they are received. Mr. Hoffman stated he looked forward to working with the Finances Review Subcommittee in clarifying any questions they may have. Mr. Foley moved to acknowledge receipt of the PricewaterhouseCooper audit; seconded by Mr. Curry.

Voting For:	Beno	Castillo	Curry	Decker	Donley
	Edgecombe	Foley	Freimuth	Gale	Kauffman

Loewenstein Seaman

Voting Against: None

Absent: None

The motion carried.

**Agenda Item 7. CHAIRMAN’S REPORT**

**Agenda Item 7. a. 1. Addenda & Agreements**

Addendum Seven to the Interagency Agreement between the Department of Health and Human Services Division of Public Health and the NE State Records Board. *Addendum withdrawn by DHHS and Nebraska.gov.*

**Agenda Item 7. a. 2. Network Manager Operations Review Subcommittee**

Chairman Gale proposed creating a new Network Manager Operations Review Subcommittee to study, research and report back to the Board over the long term in reference to a comparison between in-house networks and independent contractor networks. After discussion, Mr. Seaman moved that the Nebraska State Records Board create a Network Manager Review Subcommittee to, including but not limited to, research, investigate, review and develop options of plans for future website portal development and operation. Ms. Donley expressed the Attorney General’s desire to be on this subcommittee. Mr. Foley expressed concern that without resources available to this subcommittee, it may not produce much. He suggested investing resources by bringing in outside expertise to give the Board a review of the current model for a thorough and unbiased critique. After further discussion, the motion was seconded by Ms. Donley.

Voting For:	Beno	Castillo	Curry	Decker	Donley
	Edgecombe	Foley	Freimuth	Gale	Kauffman
	Loewenstein	Seaman			

Voting Against: None

Absent: None

The motion carried.

Chairman Gale identified the Subcommittee comprising of Ms. Decker, Mr. Foley, Ms. Donley and Chairman Gale as the chair of the Subcommittee.

**Agenda Item 9. COUNSEL’S REPORT**

**9. a. Approve Escrow Agreement for Network Manager Contract**

Mr. Moravec gave an update on the ongoing negotiation with Mr. Hoffman and Counsel for NIC to complete the Escrow Agreement for the Network Manager Contract. He indicated a couple of issues have yet to be resolved. He indicated that a final agreement will be available by the next State Records Board meeting.

**9. b. Action Item: Approval of Supplemental Questionnaire for GIS-Related Grant Applications**

Mr. Moravec introduced the six page Supplemental Questionnaire for GIS-Related Grant Applications developed by Mr. Larry Zink, GIS Coordinator, OCIO, for attachment to grant applications where the entity is seeking grant funds for any GIS-related projects. The Technical advisory committee has

approved the supplemental questionnaire. Ms. Decker explained that government agencies are funding data collection projects in various formats and the intention of the supplemental questionnaire is to require all grant seeking agencies to use the supplemental questionnaire format so the data becomes interoperable, exchangeable, and require data be collected only once. Chairman Gale asked Mr. Dale Hanna, GIS Specialist, GIS Western Resources, to comment on the questionnaire. He said the questions asked are ‘plain language’ and understood by those in the GIS arena and are based on NITC guidelines already established. Mr. Loewenstein moved that the Nebraska State Records Board approve the six-page supplemental questionnaire for state funded entities on land records information and mapping-related Geographic Information System grant applications; seconded by Mr. Freimuth.

Voting For:	Beno	Castillo	Curry	Decker	Donley
	Edgecombe	Foley	Freimuth	Gale	Kauffman
	Loewenstein	Seaman			
Voting Against:	None				
Absent:	None				

The motion carried.

**9. c. Approval of changes to Disaster Recovery Proprietary Plan guarantee for Network Manager Contract (Closed Session)**

Ms. Donley moved that the Nebraska State Records Board go into closed session for the purpose of discussing proprietary information relating to the security of the State’s website and for the protection of the public interest; seconded by Ms. Decker.

Voting For:	Beno	Castillo	Curry	Decker	Donley
	Edgecombe	Foley	Freimuth	Gale	Kauffman
	Loewenstein	Seaman			
Voting Against:	None				
Absent:	None				

The motion carried.

Noting that the closed meeting motion passed, Chairman Gale read the previous motion of Ms. Donley and moved the Board into closed session at 10:13 A.M.

At 10:47 A.M., outside of the Closed Session, with members of the public present. Ms. Donley moved that the Nebraska State Records Board adjourn from this closed session and return to open session; seconded by Mr. Loewenstein.

Voting For:	Beno	Castillo	Curry	Decker	Donley
	Edgecombe	Foley	Freimuth	Gale	Kauffman
	Loewenstein	Seaman			
Voting Against:	None				
Absent:	None				

The motion carried.

Chairman Gale summarized the closed session discussion of the Disaster Recovery Proprietary Plan and two changes that are being proposed for the Board’s consideration and possible approval. Ms. Beno moved that the Nebraska State Records Board approve the amendments to the Disaster Recovery Plan, pages 40 and 45, for the Network Manager contract commencing on February 1, 2010; seconded by Mr. Edgcombe. Ms. Beno amended her motion stating the pages should be 45 and 50; accepted by Mr. Edgcombe.

Voting For:	Beno	Castillo	Curry	Decker	Donley
	Edgcombe	Freimuth	Gale	Kauffman	
	Loewenstein	Seaman			
Voting Against:	Foley				
Absent:	None				

The motion carried.

**Agenda item 10. EXECUTIVE DIRECTOR’S REPORT**

- Agenda Item 10. a. State/Local Grant Status Report**
- Agenda Item 10. b. NSRB - Cash Fund Balance**
- Agenda Item 10. c. Reinvested Revenue Report**
- Agenda Item 10. d. Increase Fiscal Year Grant Limit of \$250,000**

Ms. Danahy presented the financial reports for the 1<sup>st</sup> Quarter FY09 and the grants to be considered for approval at today’s meeting: (a) a report on the current Cash Fund balance, (b) the status of grants awarded in September, 2009, and (c) a Reinvested Revenue Report.

Ms. Danahy recommended the Board consider increasing the fiscal year grant funding allotment from \$250,000 to \$301,487.00 to ensure the grant applications on the agenda today may be reviewed without the possibility of going over the current \$250,000 fiscal year allotment and, in addition, to temporarily suspend the grant funding program until the financial status of the NSRB Cash Fund is reviewed in the beginning months of 2010.

Ms. Danahy reported the Legislature voted during the November, 2009 Special Session to reduce the NSRB Cash Fund by \$71,543.00 for FY 09 and an additional \$118, 154.00 for FY10.

Mr. Curry moved to increase the current grant funding to \$301,487.00 maximum for FY09; seconded by Mr. Gale. After discussion, Mr. Curry amended his motion and moved that the State Records Board increase the current fiscal year state and local grant funding limitation from \$250,000 to \$301,487.00. Further, the Board, pending review of the Board’s financial status, effective this second day of December, 2009, temporarily discontinue the acceptance of future grant funding applications from state agencies or local political subdivisions and that the Board staff are directed to return any funding applications to the submitting agency with such explanation; seconded by Mr. Gale. After discussion, a vote was taken.

Voting For:	Beno	Castillo	Curry	Decker	Donley
	Edgcombe	Gale	Kauffman	Seaman	
Voting Against:	Foley	Freimuth	Loewenstein		
Absent:	None				

The motion carried.

Ms. Beno moved to approve the NSRB Cash Fund Balance report for the 1<sup>st</sup> Quarter Fiscal Year 09; seconded by Mr. Freimuth.

Voting For:	Beno	Castillo	Curry	Decker	Donley
	Edgecombe	Foley	Freimuth	Gale	Kauffman
	Loewenstein	Seaman			
Voting Against:	None				
Absent:	None				

The motion carried.

### **Agenda Item 11. GRANT APPLICATION PRESENTATIONS**

#### **Agenda Item 11. 1. – 5.**

The following 5 applications were introduced at the September 15, 2009 State Records Board meeting for consideration. On the following 5 counties, the vote was 5 to 1 to approve. Neb. Rev. Stat. Section 84-1204(4) (2008) of the Records Management Act requires the affirmative vote of six members for any action to be taken by the Board. Consequently, this motion failed for lack of six affirmative votes.

Ms. Danahy introduced Mr. Dale Hanna, GIS Specialist, GIS Western Resources who testified on the following grant applications:

**Agenda Item 11. 1.** Arthur County Assessor – *GIS System* - \$20,612.00 (\$15,612 recommended on 09/15/2009);

**Agenda Item 11.2** Blaine County – *GIS System for Blaine County Assessor's Office*- \$25,000 (\$13,742 recommended on 09/15/2009);

**Agenda Item 11.3** Hooker County Assessor – *GIS System* - \$25,000.00 (\$25,000 recommended on 09/15/2009);

**Agenda Item 11.4** Logan County Assessor – *GIS System for Logan County Assessor's Office* – \$25,000.00 (\$22,896 recommended on 09/15/2009).

**Agenda Item 11.5** McPherson County Assessor's Office (\$25,000.00 recommended on 9/15/2009)

#### **Withdrawn by applicant November, 2009.**

**Agenda Item 11. 6.** Grant County Assessor – *GIS System for Grant County Assessor's Office* – \$20,412.00. Ms. Danahy introduced Ms. Christee Haney, Deputy Clerk and Mr. Dale Hanna, GIS Western Resources who testified and answered questions regarding the grant application.

**Agenda Item 11. 7.** Howard County Assessor – *GIS Implementation* - \$25,000.00. Ms. Danahy introduced Ms. Deloris Heminger, County Assessor and Ms. Michele Woitalewicz who testified and answered questions regarding the grant applications.

Mr. Loewenstein left the meeting at 11:50 A.M.

**Agenda Item 11. 8.** Merrick County Assessor – *GPS and GIS work for the Merrick/Hamilton County Line* – \$22,100.00 (Janet Placke, County Assessor).

**Agenda Item 11. 9.** Merrick County Planning & Zoning - Regulation and Zoning Map updates using GIS - \$25,000.00.

Ms Danahy introduced Ms. Janet Placke, County Assessor and Ms. Jen Meyers, Administrator who testified and answered questions regarding both Merrick County grant applications.

Chairman Gale declared a recess at 12:20 P.M.

Chairman Gale reconvened the meeting at 12:35 P.M.

Mr. Foley did not return to the meeting.

**Agenda item 12. GRANT APPLICATION CONSIDERATIONS**

**Agenda Item 12. 1.** Arthur County Assessor – *GIS System* - \$20,612.00 (\$15,612 recommended on 09/15/2009).

**Agenda Item 12. 2.** Blaine County – *GIS System for Blaine County Assessor’s Office*- \$25,000 (\$13,742 recommended on 09/15/2009).

**Agenda Item 12. 3.** Hooker County Assessor – *GIS System* - \$25,000.00 (\$25,000 recommended on 09/15/2009).

**Agenda Item 12. 4.** Logan County Assessor – *GIS System for Logan County Assessor’s Office* – \$25,000.00 (\$22,896 recommended on 09/15/2009).

Mr. Seaman moved to approve all four grants for GIS systems at the recommended amounts: Arthur County \$15,612; Blaine County \$13,724; Hooker County \$25,000; Logan County \$22,896; seconded by Ms. Donley.

Voting For:	Beno	Castillo	Curry	Decker	Donley
	Edgecombe	Freimuth	Gale	Kauffman	Seaman
Voting Against:	None				
Absent:	Foley	Loewenstein			

The motion carried.

**Agenda Item 12. 7.** Howard County Assessor – *GIS Implementation* - \$25,000.00.

Ms. Beno moved to approve the Howard County Assessor application in the amount of \$25,000.00; seconded by Ms. Donley.

Voting For:	Beno	Curry	Decker	Donley	
	Edgecombe	Freimuth	Gale	Kauffman	Seaman
Voting Against:	Castillo				
Absent:	Foley	Loewenstein			

The motion carried.

**Agenda Item 12. 6.** Grant County Assessor – *GIS System for Grant County Assessor’s Office* – \$20,412.00.

Ms. Donley moved to approve the Grant County Assessor application in the amount of \$20,412.00; seconded by Mr. Friemuth.

Voting For:	Beno	Curry	Decker	Donley	
	Edgecombe	Freimuth	Gale	Kauffman	Seaman
Voting Against:	Castillo				
Absent:	Foley	Loewenstein			

The motion carried.

**Agenda Item 12. 8.** Merrick County Assessor – *GPS and GIS work for the Merrick/Hamilton County Line* – \$22,100.00 (Janet Placke, County Assessor).

**Agenda Item 12. 9.** Merrick County Planning & Zoning - Regulation and Zoning Map updates using GIS - \$25,000.00.

Ms Decker moved to not approve the two Merrick County applications; seconded by Mr. Castillo.

Voting For:	Beno	Castillo	Curry	Decker	Donley
	Edgecombe	Freimuth	Gale	Kauffman	Seaman

Voting Against: None

Absent: Foley Loewenstein

The motion carried.

Mr. Seaman left the meeting at 12:50 P.M.

**Agenda Item 13. NEBRASKA.GOV REPORTS**

**13.a. General Manager's Report.** Mr. Brent Hoffman, General Manager, Nebraska.gov gave the General Manager's Report.

**13.b. Project Priority Report.** Mr. Hoffman gave the Project Priority Report. Ms. Donley moved to approve the Project Priority Report; seconded by Ms. Beno.

Voting For:	Beno	Castillo	Curry	Decker	Donley
	Edgecombe	Freimuth	Gale	Kauffman	

Voting Against: None

Absent: Foley Loewenstein Seaman

The motion carried.

**Agenda Item 14. DATE FOR NEXT MEETING**

Chairman Gale announced the next NE State Records Board meeting will be held on Wednesday, February 10, 2010 at 9:00 A.M in the Lower Level Conference Room, Executive Building, 501 South 14th Street, Lincoln, Nebraska.

**Agenda Item 15. ADJOURNMENT**

Ms. Beno moved to adjourn the meeting. All members present signified by saying "aye". Chairman Gale declared the meeting adjourned at 1:45 P.M.




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John A. Gale  
Secretary of State  
State Records Administrator  
Chairman, State Records Board

2/12/10  
Date